

Application No.: 10/688,761

Docket No.: IIW-034

REMARKS

Upon entry of this paper, claims 1, 17, 18 and 20 are amended to incorporate the elements of claims 4 and 5. Claims 4 and 5 are canceled. Claim 6 is amended to depend from claim 1. No new matter is introduced. Claims 1-3 and 6-20 are pending, of which claims 1, 8, 17, 18 and 20 are independent. Applicants respectfully submit that the pending claims define over the art of record.

Allowable Subject Matter

Applicants thank the Examiner for allowing claims 8-16 and deeming the subject matter of claims 5 and 6 to be allowable. Applicants address the remaining rejections with remarks provided below.

Claim Rejections under 35 U.S.C. §103

Claims 1, 4, 7, and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent Application Publication No. 2002/0094469 to Yoshizumi et al. (hereafter Yoshizumi). Claims 2 and 3 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Yoshizumi reference and further in view of United States Patent No. 6,926,987 to Blaszczyk et al. (hereafter Blaszczyk). Claims 18, 19, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Yoshizumi reference in view of Japanese Patent Application Publication 60-207255 to Goto (hereafter Goto).

As indicated by the Examiner, the Yoshizumi reference, the closest prior art, do not teach or fairly suggest *wherein a pressure of the cathode exhaust gas flowing through the exhaust gas pipe is lower at the reservoir than a pressure in the reservoir*, as required by canceled claim 5. Based on the Examiner's suggestion, Applicants amend independent claims 1, 17, 18 and 20 to incorporate the subject matter of claim 5 and the intervening claim 4. See Office Action, page 8, § 10-11. As such, the Yoshimi reference does not teach or suggest each and every element of independent claims 1, 17, 18 and 20. The Blaszczyk and Goto references fail at curing the shortcomings of the Yoshimi reference with regard to this claim element.

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Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claims 1, 17, 18 and 20.

Applicants note that the dependent claims also recite patentable subject matter. As such, for this and the reasons set forth above, Applicants respectfully submit that the dependent claims also define over the art of record.

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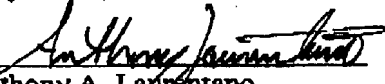
CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. IIW-034. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. § 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

Dated: October 15, 2007

Respectfully submitted,

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